

### ***Remarks***

#### ***I. Support for Amendments***

By the foregoing amendments, claims 50-52, 58, 59, 63, 75-77, 83, 89, 92 and 93 are sought to be amended and new claims 98 and 99 are sought to be entered. The amendments to claims 58, 59 and 63 are sought to revise the dependency of these claims upon cancellation of claim 57. Support for the remaining amendments to the claims can be found throughout the specification and claims as originally filed. Specifically, support for the amendments to claims 50 and 75 (and thus the claims that depend therefrom) can be found throughout the specification as originally filed, and in particular in the application as published at paragraphs [0027], [0093] and [0096]; support for the amendments to claims 52, 77 and 92 (and thus the claims that depend therefrom) may be found throughout the specification as originally filed, and in particular in the application as published at paragraphs [0095] and [0123]; support for new claim 98 can be found throughout the specification as originally filed, and in particular in the application as published at paragraph [0087]; and support for new claim 99 can be found throughout the specification as originally filed, and in particular in the application as published at paragraphs [0049] and [0124]. Hence, the foregoing amendments add no new matter, and their entry and consideration are respectfully requested.

#### ***II. Status of the Claims***

By the foregoing amendments, claims 57 and 69-72 have been canceled, claims 50-52, 58, 59, 63, 75-77, 83, 89, 92 and 93 have been amended, and new claims 98 and 99 are sought to be entered. As discussed above, these amendments add no new matter

to the present application. Upon entry of these amendments, claims 50-56, 58-68 and 73-99 are pending in the application, with claims 50, 75, 83 and 89 being the independent claims.

***III. Summary of the Office Action***

In the Office Action dated August 22, 2006 (hereinafter "the Office Action"), the Examiner has required affirmation of the telephonic election of restriction group and of species, and has made five rejections of the claims. Applicants offer the following remarks to overcome each of these elements of the Office Action.

***IV. Affirmation of Election***

In the Office Action at pages 3-4, the Examiner has acknowledged Applicants' provisional election with traverse of restriction group I, species A, which election was made during a telephone conversation on August 15, 2006, with Applicants' representative. The Examiner has further required affirmation of this election in the present Reply.

Applicants hereby affirm the election of group I, species A, **with traverse**. Applicants respectfully request reconsideration and withdrawal of the requirements for restriction and election of species, and examination and allowance of all pending claims.

***V. Rejections Under 35 U.S.C. §112, Second Paragraph***

In the Office Action at pages 4-5, the Examiner has rejected claims 50-69, 75-78 and 81-97 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. The

Examiner has further recommended that, to obviate the rejection, the claims be amended to recite "wherein said antigen is an allergenic protein." *See* Office Action at page 5, lines 1-2.

Applicants respectfully traverse this rejection. However, solely to expedite prosecution, and not in acquiescence to the rejection, Applicants have amended the claims according to the Examiner's recommendation. Accordingly, Applicants respectfully assert that the claims as currently presented particularly point out and distinctly claims the subject matter regarded by Applicants as the invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

***VI. Rejection Under 35 U.S.C. §102(b)***

In the Office Action at page 5, the Examiner has rejected claims 50-53, 69 and 73-78 under 35 U.S.C. §102(b) as allegedly being anticipated by Crameri *et al.*, WO 98/28624 (hereinafter "Crameri"). Applicants respectfully traverse this rejection.

The invention as presently claimed recites a non-naturally occurring molecular scaffold comprising a core particle that comprises a virus-like particle ("VLP") or a recombinant form thereof. In contrast, Crameri does not disclose compositions comprising such non-naturally occurring molecular scaffolds, since that reference does not disclose the use of core particles comprising VLPs or recombinant forms thereof. Under 35 U.S.C. § 102, a claim can only be anticipated if every element in the claim is expressly or inherently disclosed in a single prior art reference. *See Kalman v. Kimberly Clark Corp.*, 713 F.2d 760, 771 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 (1984).

Since Crameri does not expressly or inherently disclose the production of molecular scaffolds comprising VLPs, this reference cannot and does not anticipate the claims as currently presented.

Accordingly, Crameri does not disclose every element of the invention as presently claimed. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) over Crameri therefore are respectfully requested.

***VII. Obviousness-Type Double Patenting Rejections***

In the Office Action at page 5, the Examiner has rejected claims 50-53, 57-62, 66-69, 73-78 and 81-94 as allegedly being unpatentable under the judicially created doctrine of obviousness-type double patenting over claims 1-23 of commonly owned U.S. Patent No. 6,964,769.

In the Office Action at page 5, the Examiner has provisionally rejected claims 50-69, 73-78 and 81-97 as allegedly being unpatentable under the judicially created doctrine of obviousness-type double patenting over claims 1, 47, 48, 52-55, 57 and 63 of commonly owned, co-pending U.S. Appl. No. 10/563,944.

In the Office Action at page 5, the Examiner has provisionally rejected claims 50-69, 73-78 and 81-97 as allegedly being unpatentable under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 13, 100, 102, 107 and 108 of commonly owned, co-pending U.S. Appl. No. 10/550,518.

Applicants respectfully traverse the Examiner's provisional rejections. However, solely to advance prosecution, and not in acquiescence to the rejections, Applicants provide herewith Terminal Disclaimers under 37 C.F.R. § 1.32(c) of the term of any

patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,964,769, and of any patents issuing from U.S. Application Nos. 10/563,944 or 10/550,518. Applicants respectfully request the consideration and entry of these Terminal Disclaimers, and the reconsideration and withdrawal of the present obviousness-type double patenting rejections.

### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "B. Del Buono", written over a horizontal line.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

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1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600